

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Stipulated Settlement
and Disciplinary Order Against:

SANDRA ELLEN COSTELLO
a.k.a. SANDRA COOPER WESLEY
a.k.a. SANDRA STARVINOS
3036 Plaza Alonzo
Bonita, CA 91902

Registered Nurse License No. **260729**

Respondent

Case No. 2012-371


**STIPULATED SURRENDER
OF LICENSE AND ORDER**

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

IT IS SO ORDERED **November 27, 2012.**

This Decision shall become effective on **November 27, 2012.**



Louise R. Bailey, M.ED., R.N. Executive Officer
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Stipulated Settlement and
Disciplinary Order Against:

**SANDRA ELLEN COSTELLO, aka
SANDRA COOPER WESLEY, aka
SANDRA STARVINOS
3036 Plaza Alonso
Bonita, CA 91902**

Registered Nurse License No. 260729

Respondent.

Case No. 2012-371

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties that
the following matters are true:

PARTIES

1. Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer of
the Board of Registered Nursing, who brought this action solely in her official capacity.
2. Sandra Ellen Costello (Respondent), is representing herself in this
proceeding and has chosen not to exercise her right to be represented by counsel.
3. On or about November 30, 1975, the Board of Registered Nursing issued
Registered Nurse license No. 260729 to Respondent. The Registered Nurse license was in full
force and effect at all times and will expire on January 31, 2013.

JURISDICTION

4. On September 21, 2012, the Board of Registered Nursing adopted
Stipulated Settlement and Disciplinary Order Case No. 2012-371, which became effective on
October 19, 2012. The Stipulated Settlement and Disciplinary Order requires, inter alia, the
respondent to serve a 3-year probation term that includes Probation Conditions # 1-13. The
Stipulated Settlement and Disciplinary Order is attached as exhibit A and incorporated herein by
reference.

5. At all times after the effective date of Respondent's probation, Condition

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Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- ADVISEMENT AND WAIVERS
6. Respondent has carefully read and understands Stipulated Settlement
ary Order Case No. 2012-371. Respondent has carefully read, and understands
this Stipulated Surrender of License and Order and understands that this
rrender, if accepted by the Board, is considered as formal discipline of her
7. Respondent understands that by signing this stipulation she enables
accept the surrender of her Registered Nurse License without further process.

nt has carefully read and understand

7. Respondent understands that by signing this stipulation she enables the Board to accept the surrender of her Registered Nurse License without further process.

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2 CONTINGENCY

3 8. This stipulation shall be subject to approval by the Board of Registered
4 Nursing. The Respondent understands and agrees that by signing this Stipulated Surrender of
5 License and Order, she may not withdraw her agreement or seek to rescind the stipulation prior
6 to the date it becomes effective. If the Board declines to accept this stipulation as its Decision
7 and Order, the Stipulated Surrender of License and Order shall be of no force or effect, except
8 for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
9 shall not be disqualified from further action by having considered this matter.

10 9. This Stipulated Surrender of License and Order is intended by the parties to
11 be an integrated writing representing the complete, final, and exclusive embodiment of their
12 agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
13 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of
14 License and Order may not be altered, amended, modified, supplemented, or otherwise changed
15 except by a writing executed by an authorized representative of each of the parties.

16 10. The parties understand and agree that facsimile copies of this Stipulated
17 Surrender of License and Order, including facsimile signatures thereto, shall have the same
18 force and effect as the originals.

19 11. In consideration of the foregoing stipulations, the parties agree that the
20 Board may, without further notice or formal proceeding, issue and enter the following Order:

21 ORDER

22 IT IS HEREBY ORDERED that Registered Nurse License No. 260729, issued to
23 Respondent, Sandra Ellen Costello, aka Sandra Cooper Wesley, aka Sandra Starvinos, is
24 surrendered and the surrender is accepted by the Board of Registered Nursing.

25 12. The surrender of Respondent's Registered Nurse License and the
26 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
27 against Respondent. This stipulation constitutes a record of the discipline and shall become a
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1 part of Respondent's license history with the Board.

2 13. Respondent shall lose all rights and privileges as a Registered Nurse in
3 California as of the effective date of the Board's Decision and Order.

4 14. Respondent shall cause to be delivered to the Board both her pocket
5 license and wall certificate, if one was issued, on or before the effective date of the Decision
6 and Order.

7 15. Respondent fully understands and agrees that if she ever files an application for
8 licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
9 petition for reinstatement. Respondent must comply with all the laws, regulations and
10 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
11 of the charges and allegations contained in Accusation No. 2012-371 shall be deemed to be true,
12 correct and admitted by Respondent when the Board determines whether to grant or deny the
13 petition.

14 16. Upon reinstatement of the license by the Board, Respondent shall pay to
15 the Board costs associated with its investigation and enforcement pursuant to Business and
16 Professions Code section 125.3 in the amount of \$7,500.00 which is the amount currently
17 owed pursuant to Stipulated Settlement and Disciplinary Order Case No. 2012-371 (Exhibit
18 A). If the reinstatement of Respondent's license is granted, Respondent shall be permitted to
19 pay these costs in a payment plan approved by the Board.

20 17. Respondent shall not apply for licensure or petition for reinstatement for
21 2 years from the effective date of the Board of Registered Nursing's Decision and Order.
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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: November 17, 2012.

Sandra E Costello
SANDRA COSTELLO
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully accepted by Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer for the Board of Registered Nursing.

DATED: _____

Louise R. Bailey, M.Ed., R.N.
Executive Officer

BOARD OF REGISTERED NURSING

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EXHIBIT "A"

Stipulated Settlement and Disciplinary Order No. 2012-371

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SANDRA ELLEN COSTELLO
a.k.a. SANDRA COOPER WESLEY
a.k.a. SANDRA STARVINOS
3036 Plaza Alonso
Bonito, CA 91902

Registered Nurse License No. 260729

Respondent

Case No. 2012-371

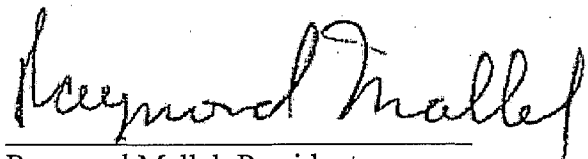
OAH No. 2012030088

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **October 19, 2012.**

IT IS SO ORDERED **September 21, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 LORETTA A. WEST
Deputy Attorney General
4 State Bar No. 149294
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2107
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **SANDRA ELLEN COSTELLO,**
14 **AKA SANDRA COOPER WESLEY**
15 **AKA SANDRA STARVINOS**
16 **3036 Plaza Alonso**
Bonita, CA 91902

17 **Registered Nurse License No. 260729**

18 Respondent.

Case No. 2012-371

OAH No. 2012030088
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
21 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
22 which will be submitted to the Board of Registered Nursing for approval and adoption as the final
23 disposition of the Accusation.

24 **PARTIES**

25 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
26 Board of Registered Nursing. She brought this action solely in her official capacity and is
27 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
28 Loretta A. West, Deputy Attorney General.

2. Respondent Sandra Ellen Costello, aka Sandra Cooper Wesley, aka Sandra Starvinos (Respondent) is represented in this proceeding by attorney George R. Najjar, whose address is: 1901 First Avenue, First Floor, San Diego, CA 92101

3. On or about November 30, 1975, the Board of Registered Nursing issued Registered Nurse License No. 260729 to Sandra Ellen Costello, aka Sandra Cooper Wesley, aka Sandra Starvinos (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-371 and will expire on January 31, 2013, unless renewed.

JURISDICTION

4. On December 15, 2011, Accusation No. 2012-371 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 15, 2011. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 2012-371 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-371. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-371.

10. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Registered Nursing or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
3 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
4 writing executed by an authorized representative of each of the parties.

5 15. In consideration of the foregoing admissions and stipulations, the parties agree that
6 the Board may, without further notice or formal proceeding, issue and enter the following
7 Disciplinary Order:

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Registered Nurse License No. 260729 issued to
10 Respondent Sandra Ellen Costello, aka Sandra Cooper Wesley, aka Sandra Starvinos
11 (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on
12 probation for three (3) years on the following terms and conditions.

13 **Severability Clause.** Each condition of probation contained herein is a separate and
14 distinct condition. If any condition of this Order, or any application thereof, is declared
15 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
16 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
17 and enforceable to the fullest extent permitted by law.

18 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
19 detailed account of any and all violations of law shall be reported by Respondent to the Board in
20 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
21 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
22 45 days of the effective date of the decision, unless previously submitted as part of the licensure
23 application process.

24 **Criminal Court Orders:** If Respondent is under criminal court orders, including
25 probation or parole, and the order is violated, this shall be deemed a violation of these probation
26 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

27 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with
28 the conditions of the Probation Program established by the Board and cooperate with

representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

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1 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
2 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
3 6 consecutive months or as determined by the Board.

4 For purposes of compliance with the section, "engage in the practice of registered nursing"
5 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
6 non-direct patient care position that requires licensure as a registered nurse.

7 The Board may require that advanced practice nurses engage in advanced practice nursing
8 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

9 If Respondent has not complied with this condition during the probationary term, and
10 Respondent has presented sufficient documentation of her good faith efforts to comply with this
11 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
12 extension of Respondent's probation period up to one year without further hearing in order to
13 comply with this condition. During the one year extension, all original conditions of probation
14 shall apply.

15 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
16 prior approval from the Board before commencing or continuing any employment, paid or
17 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
18 performance evaluations and other employment related reports as a registered nurse upon request
19 of the Board.

20 Respondent shall provide a copy of this Decision to her employer and immediate
21 supervisors prior to commencement of any nursing or other health care related employment.

22 In addition to the above, Respondent shall notify the Board in writing within seventy-two
23 (72) hours after she obtains any nursing or other health care related employment. Respondent
24 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
25 separated, regardless of cause, from any nursing, or other health care related employment with a
26 full explanation of the circumstances surrounding the termination or separation.

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1 8. **Supervision.** Respondent shall obtain prior approval from the Board regarding
2 Respondent's level of supervision and/or collaboration before commencing or continuing any
3 employment as a registered nurse, or education and training that includes patient care.

4 Respondent shall practice only under the direct supervision of a registered nurse in good
5 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
6 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
7 approved.

8 Respondent's level of supervision and/or collaboration may include, but is not limited to the
9 following:

10 (a) Maximum - The individual providing supervision and/or collaboration is present in
11 the patient care area or in any other work setting at all times.

12 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
13 care unit or in any other work setting at least half the hours Respondent works.

14 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
15 person communication with Respondent at least twice during each shift worked.

16 (d) Home Health Care - If Respondent is approved to work in the home health care
17 setting, the individual providing supervision and/or collaboration shall have person-to-person
18 communication with Respondent as required by the Board each work day. Respondent shall
19 maintain telephone or other telecommunication contact with the individual providing supervision
20 and/or collaboration as required by the Board during each work day. The individual providing
21 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
22 patients' homes visited by Respondent with or without Respondent present.

23 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
24 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
25 or for an in-house nursing pool.

26 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
27 registered nursing supervision and other protections for home visits have been approved by the

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1 Board. Respondent shall not work in any other registered nursing occupation where home visits
2 are required.

3 Respondent shall not work in any health care setting as a supervisor of registered nurses.
4 The Board may additionally restrict Respondent from supervising licensed vocational nurses
5 and/or unlicensed assistive personnel on a case-by-case basis.

6 Respondent shall not work as a faculty member in an approved school of nursing or as an
7 instructor in a Board approved continuing education program.

8 Respondent shall work only on a regularly assigned, identified and predetermined
9 worksite(s) and shall not work in a float capacity.

10 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
11 request documentation to determine whether there should be restrictions on the hours of work.

12 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and
13 successfully complete a course(s) relevant to the practice of registered nursing no later than six
14 months prior to the end of her probationary term.

15 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
16 Respondent shall submit to the Board the original transcripts or certificates of completion for the
17 above required course(s). The Board shall return the original documents to Respondent after
18 photocopying them for its records.

19 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
20 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
21 amount of \$7,500.00 (seven thousand five hundred dollars). Respondent shall be permitted to pay
22 these costs in a payment plan approved by the Board, with payments to be completed no later
23 than three months prior to the end of the probation term.

24 If Respondent has not complied with this condition during the probationary term, and
25 Respondent has presented sufficient documentation of her good faith efforts to comply with this
26 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an

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extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

12. **Violation of Probation.** If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

13. **License Surrender.** During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license

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1 has been surrendered may petition the Board for reinstatement no sooner than the following
2 minimum periods from the effective date of the disciplinary decision:

3 (1) Two years for reinstatement of a license that was surrendered for any reason other
4 than a mental or physical illness; or

5 (2) One year for a license surrendered for a mental or physical illness.

6 ACCEPTANCE

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
8 discussed it with my attorney, George R. Najjar. I understand the stipulation and the effect it will
9 have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary
10 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
11 of the Board of Registered Nursing.

12
13 DATED: 3-25-12

Sandra Costello
14 SANDRA ELLEN COSTELLO,
15 AKA SANDRA COOPER WESLEY
16 AKA SANDRA STARVINOS
Respondent

17 I have read and fully discussed with Respondent Sandra Ellen Costello, aka Sandra Cooper
18 Wesley, aka Sandra Starvinos, the terms and conditions and other matters contained in the above
19 Stipulated Settlement and Disciplinary Order. I approve its form and content.

20 DATED: 3-25-12

George R. Najjar
21 GEORGE R. NAJJAR
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 4/11/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General


LORETTA A. WEST
Deputy Attorney General
Attorneys for Complainant

SD2011800297

Exhibit A

Accusation No. 2012-371

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 LORETTA A. WEST
Deputy Attorney General
4 State Bar No. 149294
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2107
7 Facsimile: (619) 645-2061
E-mail: Loretta.West@doj.ca.gov
8 *Attorneys for Complainant*

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10 **BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

11
12 In the Matter of the Accusation Against:

Case No. 2012-371

ACCUSATION

13 **SANDRA ELLEN COSTELLO,**
14 **AKA SANDRA COOPER WESLEY,**
15 **AKA SANDRA STARVINOS**
3036 Plaza Alonzo
16 Bonita, CA 91902

17 **Registered Nurse License No. 260729**

18 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On or about November 30, 1975, the Board of Registered Nursing issued Registered
26 Nurse License Number 260729 to Sandra Ellen Costello, also known as Sandra Cooper Wesley,
27 also known as Sandra Starvinos (Respondent). The Registered Nurse License was in full force
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1 and effect at all times relevant to the charges brought herein and will expire on January 31, 2013,
2 unless renewed.

3 JURISDICTION

4 3. This Accusation is brought before the Board under the authority of the following
5 laws. All section references are to the Business and Professions Code (Code) unless otherwise
6 indicated.

7 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
8 any licensee, including a licensee holding a temporary or an inactive license, for any reason
9 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

10 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
12 licensee or to render a decision imposing discipline on the license.

13 6. Section 2811, subdivision (b) of the Code provides, in pertinent part, that the Board
14 may renew an expired license at any time within eight years after the expiration.

15 STATUTORY PROVISIONS

16 7. Section 2761, subdivision (a) states:

17 "The board may take disciplinary action against a certified or licensed nurse or deny an
18 application for a certificate or license for any of the following:

19 "(a) Unprofessional conduct"

20 "..."

21 8. Section 2762 of the Code states:

22 "In addition to other acts constituting unprofessional conduct within the meaning of this
23 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
24 chapter to do any of the following:

25 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
26 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
27 administer to another, any controlled substance as defined in Division 10 (commencing with
28

1 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
2 defined in Section 4022.

3 "...."

4 **COSTS**

5 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 **DRUGS**

10 10. Lovenox is a prescription anticoagulant that prevents the formation of blood clots and
11 is a dangerous drug as defined in Code section 4022.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct – Unlawful Possession of a Dangerous Drug)**

14 11. Respondent is subject to disciplinary action under Code section 2762, subdivision (a)
15 of the Code in that Respondent unlawfully possessed the dangerous drug Lovenox without a
16 prescription. The facts and circumstances are as follows:

17 12. From March 2005 until June 2009, Respondent was employed as a registered nurse at
18 San Diego Hospice & Palliative Care (SDH). Her employment duties included home health care
19 visits to terminally ill patients and post-death visits. Upon her termination from SDH in June
20 2009, Respondent was required to return to her employer her "car stock," which consisted of
21 bandages and catheters provided by her employer that Respondent was required to keep in her car
22 when making home health care visits. When Respondent opened the trunk of her car to retrieve
23 the car stock to return to her supervisor, there were four (4) boxes of the dangerous drug Lovenox
24 in Respondent's trunk. Each box was labeled as containing ten (10) single dose syringes. In fact,
25 one box held four (4) syringes, and the other three (3) boxes contained ten (10) syringes each.

26 13. Respondent stated that she retrieved the Lovenox from a dead patient's home during a
27 post-death visit. It was against SDH policy for Respondent to remove any medications from a
28 patient's home. Respondent stated that the Lovenox was very expensive, worth approximately

1 \$500 to \$1,000, and she intended to return the Lovenox to the pharmacy or give it to someone
2 who needed it.

3 **PRAYER**

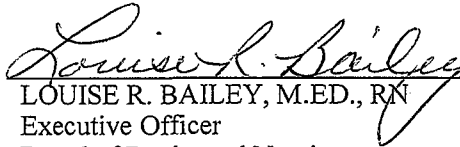
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 260729, issued to Sandra
7 Ellen Costello, aka Sandra Cooper Wesley, aka Sandra Starvinos;

8 2. Ordering Sandra Ellen Costello, aka Sandra Cooper Wesley, aka Sandra Starvinos, to
9 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of
10 this case, pursuant to Business and Professions Code section 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: December 15, 2011


14 LOUISE R. BAILEY, M.ED., RN
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant

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